

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

JAN 30 2009

JAMES W. McCORMACK, CLERK
[Signature]
DEP

UNITED STATES OF AMERICA)

PLAINTIFF)

V.)

IVAN FLORES)

DEFENDANT)

NO. 4:08CR0019-01 WRW

MOTION TO SUPPRESS STATEMENTS

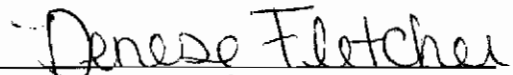
Comes now the defendant, Ivan Flores, and for his Motion to Suppress Statements, states the following:

1. The Defendant is charged Coercion and Enticement of Minors and the trial of this matter set on Thursday, February 5, 2009.
2. The Defendant expects that at the trial on these charges the government will attempt to offer into evidence against the Defendant certain inculpatory statements purportedly made by the Defendant after he was in the custody of the police.
3. The Defendant in this matter is Hispanic and his native language is Spanish. The Statements of Rights form relied upon by the Government in this case is in English.
4. A waiver of the Fifth Amendment privilege against self incrimination is valid only if it is made voluntarily, knowingly, and intelligently. *Miranda v. Arizona*, 384 U.S. 436, 444 (1966). The Defendant in this matter did not receive proper *Miranda* warnings and any waiver of his constitutional rights was not knowingly, intelligently or voluntarily made. A waiver is knowing if it is made with the full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it. *Moran v. Burbine*, 475 U.S. 412, 421 (1986).

5. Any statements taken in this matter were in violation of the Defendant's Fifth and Sixth Amendments rights the United States Constitution and are therefore, inadmissible as evidence against him in the trial of this cause.

WHEREFORE, the Defendant respectfully prays that a hearing be held prior to trial for the purpose of determining the admissibility of the statements; that at the hearing they be permitted to present evidence to the court in support of his contentions and that the court grant his motion and suppress for all purposes any statements.

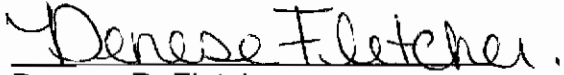
Respectfully submitted,



Denese R. Fletcher
Attorney for the Defendant
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Little Rock, AR 72201
(501) 371-9773
Arkansas Bar No.:93201

CERTIFICATE OF SERVICE

I, Denese R. Fletcher, do hereby certify that I have served a copy of the above and foregoing pleading upon all parties to this proceeding by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the John R. White United States Attorney, P.O. Box 1229, Little Rock, AR 72203 or in the U.S. Attorney's Box at the Federal Courthouse and by email to john.white.2@usdoj.gov on this 30th day of January, 2009.


Denese R. Fletcher